

COMMISSION INFORMATION MEMORANDUM

VOL. 29 NO. 29

September 20, 2007

ADMINISTRATIVE BRIEF FROM YVONNE GIBBONS

Proposed WIC Food Package Changes

WIC stands for the USDA Special Supplemental Food Program for Women, Infants and Children. In Saline County, this federal program is administered by the Salina-Saline County Health Department. If WIC applicants meet the income guidelines, they receive nutrition education targeted to their needs and checks that they redeem at participating grocer stores.

Since the WIC food packages were last revised in 1980, there has been an explosion of research and knowledge relating to nutrition. Another factor is the growing obesity problem in the United States. The proposed changes in the foods that are on the WIC checks are healthier and more culturally sensitive.

New foods added to the WIC food packages:

- # Fruits and Vegetables
- # Soy milk and tofu
- # Whole grain breads

Current foods retained and modified:

Milk, cheese, eggs, fruit juice, cereal, beans/peanut butter and infant formula. The amounts of many of these food are reduced to help pay for the new foods and, in some cases, to bring quantities in line with current nutrition recommendations.

MONDAY'S MEETING

Enclosed are other items on the agenda. If any Commissioner has questions or cannot attend the meeting, please contact me.

Jason A. Gage
City Manager



MEETING NOTICE

The Land Institute will hold their annual Prairie Festival 2007 Friday, September 28th through Sunday, September 30th. City Commissioners are invited and some may attend some of these events. No City business will be discussed.

The Central Kansas Foundation is celebrating their 40th Anniversary with an annual Recovery Month Barbeque on Friday, September 21st at Jerry Ivey Park. The event will be from 6:00-8:00 p.m. with proceeds donated to the Salina Area United Way. The City Commissioners are invited to attend and some may be present. No City business will be discussed.

The League of Kansas Municipalities Annual Conference is scheduled to meet October 6-9, 2007 in Overland Park, Kansas at the Overland Park Convention Center. Some Commissioners may attend.



SALINA CITY COMMISSION
REGULAR MEETING AGENDA
CITY-COUNTY BUILDING, 300 W. ASH, ROOM 107
SALINA, KANSAS
SEPTEMBER 24, 2007
4:00 P.M.

Study Session 2:30 p.m. - The City Commission will convene for a Study Session, the agenda for which is attached. Members of the public are invited to attend this informal session and discuss matters of interest with the City Commissioners during an "open forum" period from 3:45 to 4:00 p.m.

- 1. CALL TO ORDER AND ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- 3. CITIZEN FORUM**
- 4. AWARDS AND PROCLAMATIONS**
- 5. PUBLIC HEARINGS AND ITEMS SCHEDULED FOR A CERTAIN TIME**
- 6. CONSENT AGENDA**
 - (6.1) Approve the minutes of September 17, 2007.
 - (6.2) Accept the offered utility/drainage easement in Quail Meadows Estates.
- 7. DEVELOPMENT BUSINESS**
 - (7.1) Application #Z07-16 (filed by Fred and Jackie Bailey) requesting a change in zoning district classification from C-1 (Restricted Business) to C-2 (Neighborhood Shopping) on property addressed as 723 S. Ohio Street.
 - (7.1a) First reading Ordinance No. 07-10416.
 - (7.2) Application #Z07-13 (filed by C.R. Development, Inc.) requesting a change in zoning district classification from RS (Residential Suburban) to R-1 (Single-Family Residential) on property located on the south side of East Cloud east of Parkwood Drive.
 - (7.2a) First reading Ordinance No. 07-10417.
- 8. ADMINISTRATION**
 - (8.1) Resolution No. 07-6436 revoking a permit for use of public property for aesthetic purposes and directing notice of removal of the improvements made pursuant to such permit.
- 9. OTHER BUSINESS**
- 10. ADJOURNMENT**

Date: September 20, 2007

CITY COMMISSION STUDY SESSION

MEETING DATE: Monday, September 24, 2007

TIME: 2:30 p.m.

PLACE: Police Department, 255 N. 10th Street

The following have been identified as topics of study and discussion:

2:30 p.m. – Police Simulator Demonstration (PD)

3:45 p.m. – Citizens Open Forum (Rm. 107B)

4:00 p.m. – Regular Commission Meeting (Rm. 107)

Information Notes: The Salina City Commission meets from time to time in study session. These sessions may be held before or after a regular Commission meeting, or at a separate date and time. The purpose of a study session is to allow adequate time for staff reports and Commission discussion and review of specific public policies and issues. All meetings are open to the public and news media representatives. No formal action is taken at a study session, but matters reviewed at a study session may be acted on at a later formal City Commission meeting.

CITY OF SALINA, KANSAS
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
September 17, 2007
4:00 p.m.

The City Commission convened at 2:30 p.m. in a Study Session on the Wastewater Treatment Facility. The Regular Meeting of the Board of Commissioners was called to order at 4:00 p.m. in Room 107, City-County Building. A roll call was taken followed by the Pledge of Allegiance and a moment of silence.

There were present:

Mayor Alan E. Jilka, Chairman presiding
Commissioner Luci Larson
Commissioner Aaron Peck
Commissioner R. Abner Perney
Commissioner John K. Vanier II

comprising a quorum of the Board, also present:

Jason A. Gage, City Manager
Greg Bengtson, City Attorney
Lieu Ann Elsey, City Clerk

Absent: None

CITIZEN FORUM

None.

AWARDS - PROCLAMATIONS

(4.1) The week of September 17 – 23, 2007 as “Constitution Week” in the city of Salina. Sharon Foust, Constitution Week Chair, read the proclamation and announced upcoming events.

(4.2) Presentation of plaques of appreciation to outgoing board members.

Mayor Jilka presented plaques to Bette Timmel, Gary Cummings, Nita Klug, David Moody, Luci Larson, Kent Buer, John Wachholz, and Troy Vancil. Other members not present were: Samatha Angell, Michael Bostater, Arthur Jordan, Dani Kieborz, Gina McDonald, Susan Miller, Jerry Simpson, Linda Smith, Wayne Wagner, Tricia Weems, and Chris Yohe.

PUBLIC HEARINGS AND ITEMS SCHEDULED FOR A CERTAIN TIME

None.

CONSENT AGENDA

(6.1) Approve the minutes of September 10, 2007.

(6.2) Approve the minutes of September 11, 2007.

07-7241 Moved by Commissioner Vanier, seconded by Commissioner Peck, to approve the consent agenda as presented. Aye: (5). Nay: (0). Motion carried.

DEVELOPMENT BUSINESS

(7.1) First reading Ordinance No. 07-10402 amending Chapter 33, Article III of the Salina Code pertaining to junkyards, salvage yards, scrap metal processing and wrecking yards.

Jason Gage, City Manager, requested that Item 7.1 be postponed.

07-7242 Moved by Commissioner Vanier, seconded by Commissioner Perney, to postpone Item 7.1 until October 1, 2007. Aye: (5). Nay: (0). Motion carried.

ADMINISTRATION

(8.1) Second reading Ordinance No. 07-10414 amending Chapter 8, Article I, Division 5 of the Salina Code by adding Section 8-155 providing for a local amendment to Article 600.5 of the National Electric Code pertaining to branch circuits.

Mayor Jilka noted that Ordinance No. 07-10414 was passed on first reading on September 10, 2007 and since that time no comments have been received.

07-7243 Moved by Commissioner Peck, seconded by Commissioner Vanier, to adopt Ordinance No. 07-10414 on second reading. A roll call vote was taken. Aye: (5) Larson, Peck, Perney, Vanier, Jilka. Nay: (0). Motion carried.

(8.2) Second reading Ordinance No. 07-10415 amending Chapter 8, Article I, Division 1 of the Salina Code by adding Section 8-12.4.1 providing for a local amendment to Section 412-2.3 of the International Building Code pertaining to floor surfaces in aircraft hangers.

Mayor Jilka noted that Ordinance No. 07-10415 was passed on first reading on September 10, 2007 and since that time no comments have been received.

07-7244 Moved by Commissioner Larson, seconded by Commissioner Perney, to adopt Ordinance No. 07-10415 on second reading. A roll call vote was taken. Aye: (5) Larson, Peck, Perney, Vanier, Jilka. Nay: (0). Motion carried.

(8.3) Resolution No. 07-6435 establishing fees for emergency medical services and mobile home and solid fuel appliance contractors.

Rod Franz, Director of Finance and Administration, explained the proposed fees.

07-7245 Moved by Commissioner Perney, seconded by Commissioner Vanier, to adopt Resolution No. 07-6435. Aye: (5). Nay: (0). Motion carried.

(8.4) Approval of a request to provide capital investment funding to Hawker Beechcraft Corporation.

Jason Gage, City Manager, explained the request and the Salina Economic Development Incentives Council's recommendation.

Tim Rogers, Salina Airport Authority Executive Director, and Mr. Gage responded to Commissioner Larson's question regarding the inclusion of sales tax.

07-7246 Moved by Commissioner Vanier, seconded by Commissioner Larson, to approve the request to provide capital investment funding to Hawker Beechcraft Corporation for a fuselage loading dock in the amount not to exceed \$52,520. Aye: (5). Nay: (0). Motion carried.

07-7247 Moved by Commissioner Vanier, seconded by Commissioner Peck, to recess into executive session for 20 minutes to discuss with the City Attorney matters subject to the attorney-client privilege for the reason that public discussion of the matters would waive that privilege and adversely affect the City's interests in the matters; and reconvene at 4:45 p.m. Aye: (5). Nay: (0). Motion carried.

The City Commission recessed into executive session at 4:25 p.m.

Mayor Jilka requested an additional ten minutes at 4:45.

The City Commission reconvened at 5:35 p.m. No action was taken.

OTHER BUSINESS

None.

ADJOURNMENT

07-7248 Moved by Commissioner Vanier, seconded by Commissioner Larson, that the Regular Meeting of the Board of Commissioners be adjourned. Aye: (5). Nay: (0). Motion carried. The meeting adjourned at 5:35 p.m.

Alan E. Jilka, Mayor

[SEAL]
ATTEST:

Lieu Ann Elsey, CMC, City Clerk

CITY OF SALINA
REQUEST FOR CITY COMMISSION ACTION

DATE
09/24/2007

TIME
4:00 P.M.

AGENDA SECTION NO: 6	ORIGINATING DEPARTMENT: DEPARTMENT OF PUBLIC WORKS	APPROVED FOR AGENDA:
ITEM NO. 2 Page 1	BY: Karlton Place	BY:

ITEM:

Accept the offered Utility/Drainage Easement in Quail Meadows Estates.

BACKGROUND:

A utility/drainage easement was not dedicated during the plat process between Lot 5 and Lot 6, Block 5 of the Quail Meadows Estates Addition. As the development has built out, a length of storm sewer line was placed between these lots. Dedication of this easement provides the instrument to protect this portion of the system.

FISCAL NOTE:

There is no fiscal impact with acceptance of the easement.

COMFORMANCE WITH STRATEGIC PLAN:

The City Commission will maintain its commitment to the municipal organization by providing direction and resources that will allow them to meet established expectations.

RECOMMENDED ACTION:

Accept the offered Utility/Drainage easement dedication.

GRANT OF PERMANENT UTILITY AND DRAINAGE EASEMENT

Quail Meadows Estates, Inc., a for profit Kansas corporation, (the "Grantor"), being the owner of the hereinafter described real estate, does hereby give, grant, dedicate, and convey unto the City of Salina, Kansas, a municipal corporation, (the "Grantee")

A Permanent Utility and Drainage Easement, in perpetuity, on the real estate legally described on the attached and incorporated Exhibit A and depicted on the attached and incorporated Exhibit B for the purposes of locating, constructing, excavating, and maintaining poles, wires, conduit, pipeline, and junction boxes for the purpose of conducting, transmitting, and distributing water, sewage, electricity, gas and electronic communications by the City, its franchisees, and its licensees.

Grantor acknowledges that this Grant of Permanent Utility and Drainage Easement shall neither alter nor affect the obligation of the Grantor and its heirs, successors and assigns to maintain the described real estate.

Grantor hereby covenants that they are the lawful owner of the described premises and have the right, power, and authority to convey the rights granted hereby.

IN WITNESS WHEREOF, the undersigned duly authorized officer of the Grantor has set their hand this 20 day of September, 2007.

QUAIL MEADOWS ESTATES, INC.

By: Stanley C. Byquist
Stanley C. Byquist, President

STATE OF KANSAS, COUNTY SALINE, SS:

I, Laurie Asche do hereby certify that Stanley C. Byquist, President of Quail Meadows Estates, Inc., personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me in person and acknowledged that they signed, sealed and delivered the said instrument as the free and voluntary act of said corporation for the uses and purposes therein set forth.

Given under my hand and seal this 20 day of September, 2007.

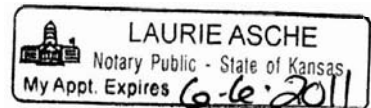
My Appointment Expires:

06-06-2011

Asche
Notary Public

Asche

CITY OF SALINA, KANSAS



ACCEPTED BY: _____
Alan E. Jilka, Mayor

ATTEST:

Lieu Ann Elsey, City Clerk

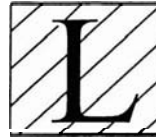
STATE OF KANSAS, COUNTY SALINE, SS:

On this _____ day of September, 2007, before me a Notary Public in and for said state, personally appeared Alan E. Jilka, Mayor, and Lieu Ann Elsey, City Clerk, for the City of Salina, Kansas, known to me to be the persons who executed the agreement on behalf of the City of Salina, and acknowledged to me that they executed the same for the purposes therein stated.

Notary Public

Legal Description

A parcel in Lots 5 & 6, Block 5,
Quail Meadows Estates Add.
City of Salina, Kansas



Landmark
SURVEYING & MAPPING INC.

Office: (785) 263-2625 Fax: (785) 263-1580
301 North Broadway, P.O. Box 97
Abilene, Kansas, 67410

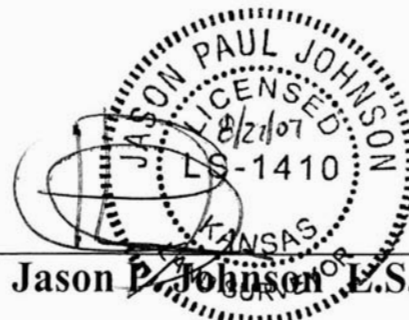
Legal Description (10' Utility Easement)

A parcel of land located in Lots 5 and 6, Block 5, Quail Meadows Estates Addition to the City of Salina, Saline County, Kansas, being 10.0 feet in width and used for utility purposes, and is more particularly described as follows:

Beginning at the Southeast corner of said Lot 5;

- thence on an assumed bearing of N 89°55'49" W along the South line of said Lot 5 a distance of 5.00 feet;
- thence N 00°00'00" E a distance of 97.91 feet to a point on the South line of a 10.0' Utility Easement;
- thence S 89°55'49" E along said South line a distance of 10.00 feet;
- thence S 00°00'00" E a distance of 97.91 feet to a point on the South line of said Lot 6;
- thence N 89°55'49" W along said South line a distance of 5.00 feet to the Point of Beginning;

Said parcel contains 979 square feet, more or less and is subject to easements, reservations, and restrictions of record.

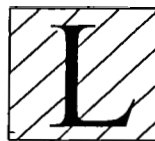


Jason P. Johnson L.S. #1410

Date: 8/27/07	Proj. #: 06-4621
Page: 1 of 2	Stan Byquist

NOTE: This does not constitute a Certificate of Survey.

**A parcel in Lots 5 & 6, Block 5,
Quail Meadows Estates Add.
City of Salina, Kansas**



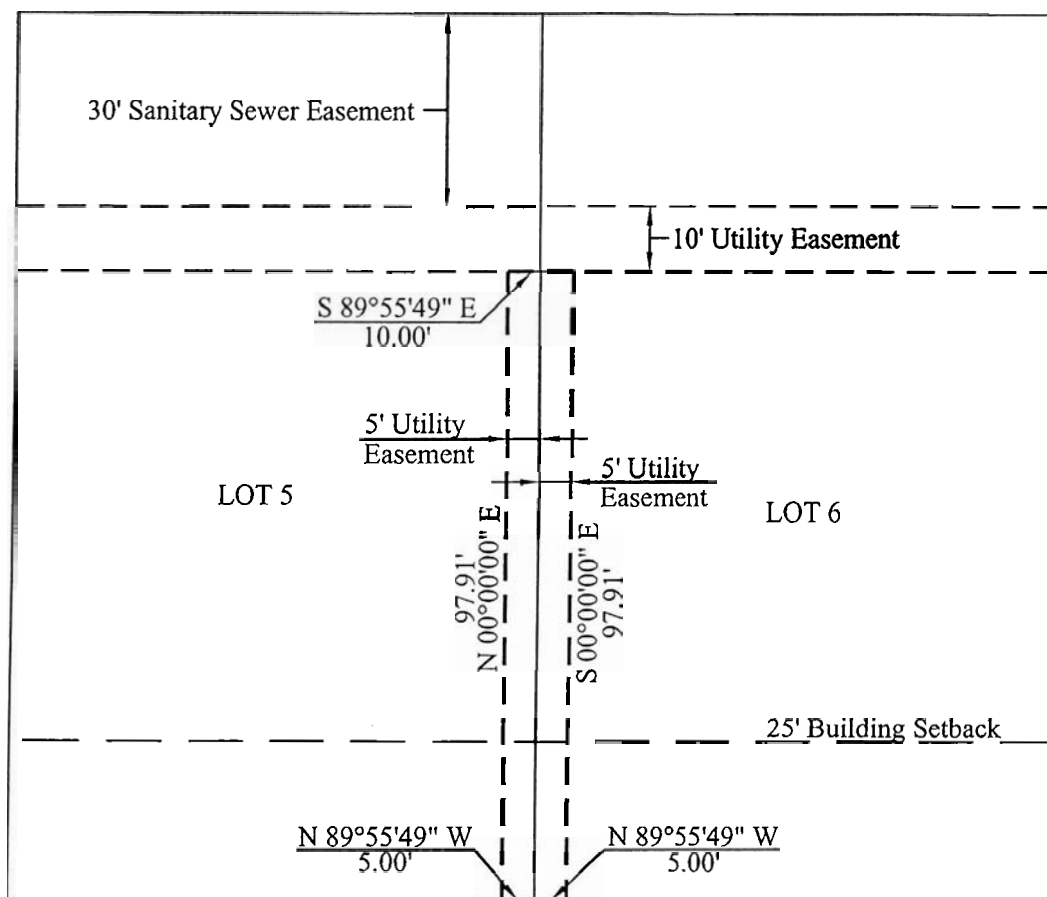
Landmark

SURVEYING & MAPPING INC.

Office: (785) 263-2625 Fax: (785) 263-1580
301 North Broadway, P.O. Box 97
Abilene, Kansas, 67410



Scale: 1" = 30'



POINT OF
BEGINNING

℄ Rittgers Lane R/W

Date: 8/27/07

Proj. #: 06-4621

Page: 2 of 2

Stan Byquist

NOTE: This does not constitute a Certificate of Survey.

CITY OF SALINA

REQUEST FOR CITY COMMISSION ACTION

DATE
09/24/2007

TIME
4:00 P.M.

AGENDA SECTION NO: 7	ORIGINATING DEPARTMENT: DEVELOPMENT SERVICES CITY PLANNING	APPROVED FOR AGENDA:
ITEM NO. 1 Page 1	BY: Dean Andrew	BY:

ITEM: Ordinance No. 07-10416

Application #Z07-16, filed by Fred and Jackie Bailey, requesting a change in zoning district classification from C-1 (Restricted Business) district to C-2 (Neighborhood Shopping) district to allow a former dental office to be converted to a beauty shop. The subject property is described as Lot 1, Block 5 of the Replat of Faith Addition to the City of Salina, Saline County, Kansas and addressed as 723 S. Ohio Street.

BACKGROUND:

The property that is the subject of this application is part of the Replat of Faith Addition which dates back to 1961. The existing building was originally constructed as a duplex at the southeast corner of Faith Drive and Ohio Street in 1962. Two (2) off-street parking spaces were required to serve the duplex. When the duplex was constructed the property was zoned "B" (Two-Family Dwelling House) district. After the duplex was completed the property was rezoned from "B" (Two-Family Dwelling House) district to "DD" (Office) district. Dr. Frank Ferson bought the property and converted the duplex into a dentist office without obtaining any building permits meaning there was no review of off-street parking or other items associated with a conversion of a building and site from residential to commercial use. This property has remained a dental office since that time. In 1977, the City of Salina implemented a comprehensive rezoning plan and this property was designated C-1 (Restricted Business) district reflecting its use as a dental office. Dr. Frank Ferson owned the property until June 21, 2006, when he sold the property to Dr. Randall Jasperson. A little over a year after buying the property, Dr. Jasperson sold the property to Fred and Jackie Bailey on July 12, 2007. The Bailey's purchased the property with the thought of converting it from an office into a beauty shop. Although Mrs. Bailey states that the realtor that sold her the building told her it was properly zoned for a beauty shop, beauty shops are not a permitted use in the C-1 (Restricted Business) district. After staff informed the Baileys that the property was not zoned for a beauty shop, this application was filed to change the zoning classification of the property from C-1 (Restricted Business) to C-2 (Neighborhood Shopping) district in order to allow such a conversion to take place.

Nature of Current Request

The purchasers of this property Fred and Jackie Bailey are proposing to lease it to Toyia Bailey for the operation of a beauty shop. Staff discussed the option of applying for Planned C-2 zoning with a narrow focus (beauty shops) which would allow the Planning Commission to consider this rezoning request in accordance with a specific plan for the property. However, the applicants chose to apply for C-2 zoning which means that staff and the Planning Commission had to review their request from the perspective that any C-2 use could locate or build there if their request were approved. The subject property has 127 ft. of frontage on Ohio Street and 85 ft. of frontage on Faith Drive and is currently unoccupied. The applicant has indicated that no major structural changes are planned for this site. It has not been an active dentist office for over a year.

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AGENDA SECTION NO: 7	ORIGINATING DEPARTMENT: DEVELOPMENT SERVICES CITY PLANNING	APPROVED FOR AGENDA:
ITEM NO. 1 Page 2	BY: Dean Andrew	BY:

Intent and Purpose of C-1 District

The C-1 district is designed to provide for a restricted commercial alternative to multi-family development adjacent to arterial streets and highways, and at the same time avoid typical strip commercial development. To achieve this end, a very limited number of nonretail businesses are permitted.

Intent and Purpose of C-2 District

The C-2 district is designed to permit areas of convenience shopping facilities of no less than one 91) acre so located to serve one (1) or more residential neighborhoods.

Suitability of the Site for Development or Redevelopment Under Existing Zoning

This factor deals with the suitability of the property for development under the existing C-1 zoning and also whether the current zoning has inhibited development or redevelopment of the property. Currently, the zoning of this property does not allow beauty shops as a permitted use.

The subject site consists of one platted lot with a 10,795 square foot area. Currently there is a building located near the center of the property with concrete paving to the east, north and south of the building fronting the two streets Ohio and Faith Drive. The applicants' tenant is proposing to use this building as the operating area for her beauty shop while the paved area to the south, east, and north will be allocated to vehicle parking. However, under straight C-2 zoning this property could be used for any use permitted use in the C-2 district and would not be limited to just beauty shop use.

Staff feels this site has very limited space for parking while still providing maneuverable access aisles. Because of the tightness of the site, lack of useable space for parking and the restrictions on left turns at Faith and Ohio, staff feels that the site is more suitable for small office use than retail or service businesses.

Character of the Neighborhood

This factor deals with whether the requested C-2 zoning would be compatible with the zoning and uses of nearby property.

This portion of the South Ohio corridor contains a mix of R-1, R-2, C-1, and C-5 zoning districts with the predominant zoning being C-5 to the north at the Crawford and Ohio intersection and R-1 to the south of the subject property. The C-5 zoning on the west side of Ohio extends south the Crawford about 280 ft. while the C-5 zoning on the east side extends about 220 ft. south of Crawford. With the exception of the first 280 ft. south of Crawford, the west side is primarily zoned R-1. On the east side, all of the properties fronting South Ohio south of the subject property are zoned R-1.

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ITEM NO. 1 Page 3	BY: Dean Andrew	

In staff's view it is not a good zoning practice to approve zoning changes that would create an isolated district unrelated to adjacent districts. This is commonly referred to as spot zoning. Therefore, because this request, if granted, would be the first C-2 zoning in this area, staff believes that this requested zoning change should be evaluated in terms of its future effect on the entire Ohio corridor and not just this particular site. However, C-2 zoning would still serve as a transition from C-5 to R-1 just as the C-1 does today.

The C-1 zoning district is designed to provide for restricted commercial alternatives by offering a very limited number of nonretail businesses. The C-1 zoning district is intended to allow office buildings and medical and clinics. Although beauty shops are allowed in the C-1 district, they are only allowed inside buildings like the Mowery Clinic, provided that they can be entered only from an interior lobby or hallway and there is no advertising or display visible from the exterior of the structure. Since this existing building on the subject property is not a large clinic with multiple interior uses, the applicant's proposed beauty shop is not allowed under the current C-1 zoning. The C-2 zoning district is similar to the C-1 zoning district in that it also is very limited in the allowed uses, but is intended primarily to provide neighborhood retail and services oriented to residential neighborhoods. The C-2 district is designed to accommodate businesses that serve one or more residential neighborhoods. In addition to the uses allowed in C-1 zoning districts, C-2 zoning allows such uses as apparel shops, bicycle shops, dry cleaners, florists, tailor shops, antique shops, banks, beauty shops, business offices, food stores and medical clinics.

The primary difference between C-2 zoning and C-1 zoning is that C-2 allows a number of uses that involve retail sales and services that generate more traffic and require larger sites than C-1 zoning. C-1 is designed to accommodate primarily office uses along with medical facilities and their internal accessory uses such as beauty shops, gift shops, news stands, pharmacies, and restaurants. C-1 also allows less lot coverage (30% vs. 35%) and restricts the structure height 30 ft. vs. 50 ft. in C-2. Consequently C-1 zoned corridors tend to have a different streetscape appearance than C-2 zoned corridors, with smaller lots and buildings and less parking.

While the use proposed by the applicant is similar in character to some of the existing commercial uses in the area and would not necessarily be incompatible with the uses of nearby property, a change from C-1 to straight C-2 zoning would open the door for any of the uses permitted in the C-2 zoning district, not just the beauty shop requested by the applicant. In staff's opinion, this site would not be suitable for many of the uses permitted in the C-2 zoning district. Planned C-2 with a limitation on uses would be a preferable alternative.

The question the Planning Commission considered was whether straight C-2 zoning is needed or justified in this case and whether it would be compatible with the zoning and uses of nearby property.

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TIME
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ITEM NO. 1 Page 4	BY: Dean Andrew	BY:

Public Utilities and Services

This factor deals with whether the proposed rezoning will overtax public utilities, cause drainage problems, jeopardize fire or police protection or otherwise detrimentally affect public services and whether the property owner or developer will provide the public improvements necessary to adequately serve the development.

1. Water – 6 inch line in Faith Drive and a 20 inch line under Ohio Street which are adequate in capacity.
2. Sanitary Sewer – 8 inch line to the south of the property which is adequate in capacity.
3. Storm Water – This property drains to the west toward Ohio Street and north toward Faith Drive where water is collected into catch basins located at the Ohio and Faith intersection. There is an 36 inch storm sewer in Ohio Street that carries runoff the old Smoky Hill River channel.

Adequate water sanitary sewer, gas and electrical lines are in place to serve this property. No physical changes to the property are being proposed by the applicant, so a change in zoning classification would not result in any additional burden on public facilities and service.

Street and Traffic

Site access for this property is limited. The primary access to this site is from Ohio Street with the secondary access being Faith Drive. Ohio Street is classified as an arterial street. Because of the proximity to the Crawford and Ohio intersection, the Ohio and Faith intersection is limited by the center road median that runs down the middle of Ohio. This creates a right-in, right-out only access when traveling from Ohio to Faith Drive. In addition, the site has a very restricted parking along with a narrow one-way driving aisle. This combined with the limited intersection of Faith and Ohio makes traffic circulation difficult.

Staff feels that many of the uses allowed in the C-2 zoning district would generate increased traffic that would exceed the functional use of this site.

Conformance with Comprehensive Plan

This factor deals with whether the proposed rezoning would be contrary to the goals, objectives and policies of the plan and whether the proposed rezoning would require an amendment to the plan and whether an amendment could be reasonably justified.

The future land use map in the city's Comprehensive Plan shows this section of South Ohio as being appropriate for commercial retail development and offices. More specifically, the land use recommended by the Comprehensive Plan for this particular location is office use. Rezoning this

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property from C-1 to C-2 would be inconsistent with this land use designation, even though C-5 is the predominant zoning designation in the South Ohio commercial corridor north of Faith Drive.

Because of the current traffic circulation limitations, this site may not be a suitable location for some of the high traffic generation uses C-2 would allow.

Planning Commission Recommendation

Planning staff is unable to support the applicants' request for straight C-2 zoning because in staff's opinion the site is not well suited for many of the uses permitted in the C-2 district. As staff indicated to the applicants at the time their application was filed, we are not that concerned about conversion of the property to a small beauty shop but are more concerned with opening the door to unrestricted C-2 zoning and the potential for attracting additional incompatible uses to the site with greater parking needs. This is best accomplished by applying for a limited, Planned C-2 district instead of straight C-2 zoning.

The Planning Commission conducted a public hearing on this request on September 18, 2007. No one appeared to speak at the hearing except for the applicants and their architect. The Planning Commission concurred with the staff recommendation and voted 9-0 to direct the applicants to amend their application to Planned C-2 which requires an approved site plan and allows the City Commission to delete potentially incompatible uses. The Commission recommended the following conditions of approval:

1. Permitted uses on the property shall be limited to beauty shops plus other uses permitted in the C-1 district.
2. Development on the property, including signage, shall be subject to C-1 bulk regulations and development limitations.
3. A final site development plan shall be reviewed and approved by staff prior to issuance of a building permit.
4. The number of styling chairs allowed in the beauty shop shall be limited based on the number of legal parking spaces available on the site.

COMMISSION ACTION:

If the City Commission concurs with the recommendation of the Planning Commission the attached ordinance should be approved on 1st reading. The protest period on this application does not expire until October 2, 2007 but based on feedback received to date it does not appear likely that any protest petition will be received. If this request is approve, second reading would take place at the October 1 meeting.

CITY OF SALINA

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TIME
4:00 P.M.

AGENDA SECTION NO: 7	ORIGINATING DEPARTMENT: DEVELOPMENT SERVICES CITY PLANNING	APPROVED FOR AGENDA:
ITEM NO. 1 Page 6	BY: Dean Andrew	BY:

If the City Commission disagrees with the recommendation of the Planning Commission, it may return this item to the Planning Commission together with the reason for the disagreement with three (3) affirmative votes or it may overturn the recommendation of the Planning Commission and deny this request provided there are four (4) votes in support of such action.

Enclosures: Application
Excerpt of PC Minutes 09/18/07
Ordinance No. 07-10416
Vicinity Map
Aerial Photo

Cc: Fred & Jackie Bailey
Christie Carl



Publication Date	August 28, 2007	Application No.	Z07-16
Hearing Date	September 18, 2007	Date Filed	August 17, 2007
Vicinity Map Attached		Filing Fee	\$270.00
Ownership Certificate		Receipt No.	9515/Tm 8/27/07

APPLICATION FOR AMENDMENT TO THE DISTRICT ZONING MAP

- Applicant's Name JACKIE & FRED BAILEY
 - Applicant's Address 801 NW 7th, ABILENE KS 67410
 - Telephone (daytime) 785.263.2155 x11 E-mail JACKIE@BAILEYTRUCKLINE.COM
 - Owner's Address _____
 - Legal Description of Property to be rezoned (attach additional sheet if necessary) LOT 1, BLOCK 5, FAITH ADDITION, SALINA KS
723 S. OHIO
 - Approximate Street Address _____
 - Area of Property (sq. ft. and/or acres) 95' x 122' = 10,790 SQ. FT. OR .25 ACRE
 - Present Zoning C1 Use FORMER DENTIST OFFICE
 - Requested Zoning C2 Use BEAUTY SHOP
 - Are there any covenants of record which prohibit the proposed development? YES ☐ (attach copy) NO ☒
 - List reasons for this request (attach additional sheets if necessary): CHANGE OCCUPANT USE.
CHANGE C1 to C2 to PERMIT USE OF BEAUTY SHOP.
 - Provide additional information showing the effect the request will have on present and future traffic flow, schools, utilities, emergency services, surrounding properties, etc. (Attach additional sheets if necessary):
NO IMPACT
 - Explain how off-street parking will be provided for this requested use: SEE SITE PLAN & LETTER OF AGREEMENT WITH LOT 13.
 - List exhibits or plans submitted: COVER LETTER, ARCHITECTURAL FLOOR PLAN, SCOPE OF WORK, LETTER OF AGREEMENT
- Applicant(s) Signature Jaqueline Bailey Owner(s) Signature Fred Bailey
- Date: 8-17-07 Date: 8/17/07

If the applicant is to be represented by legal counsel or an authorized agent, please complete the following in order that correspondence and communications pertaining to this application may be forwarded to the authorized individual.

Name of representative: CHRISTIE CARL, AIA C. CARL ARCHITECTURE

Complete Mailing Address, including zip code PO BOX 6, ABILENE KS 67410

Telephone (Business): 785.263.2304 E-mail address: CCARL@KANSAS.NET

Excerpt of Minutes from September 18, 2007 PC Meeting:

Item #3. Application #Z07-16, filed by Fred and Jackie Bailey, requesting a change in zoning district classification from C-1 (Restricted Business) district to C-2 (Neighborhood Shopping) district to allow a former dental office to be converted to a beauty shop. The subject property is described as Lot 1, Block 5 of the Replat of Faith Addition to the City of Salina, Saline County, Kansas and addressed as 723 S. Ohio Street.

Mr. Andrew stated Mr. Herrs will be giving this report.

Mr. Herrs presented the staff report with visual graphics which is contained in the case file.

Mrs. Yarnevich asked are there questions of staff?

Mr. Mikesell stated this may be a question for the applicant. Are you aware of how many chairs they're planning on putting in the building?

Mr. Andrew stated the applicant had indicated to us that they plan to put as many as five chairs in the building.

Mrs. Yarnevich asked are there enough spaces for five chairs?

Mr. Andrew stated we don't believe so, no. John if you could go to the aerial photo please. One of the oddities about this site is the way that it was developed by Dr. Ferson and Dr. Jasperson. This is the property line here but you'll see that the only parking space beyond these two spaces in front is there is a little notch in here that is about 8 ft. deep into this property and it's between 50-60 ft. long. That is actually on the neighboring property. It is not on this property. There would need to be some sort of formalized arrangement that would in some way run with the land to allow that to be utilized. The other thing is that this property here does not have any parking to spare, at least in terms of parking requirements. There is a limited opportunity for shared parking because the clinic to the east doesn't have as many spaces as they are supposed to have for a clinic that size either.

Mrs. Soderberg asked how many chairs would the current parking availability allow?

Mr. Andrew stated it depends on how it's all designed and arranged. The dimensions are very critical. It's a very tight site so at the most we believe you could squeeze enough parking to support four chairs.

Mrs. Bonilla-Baker asked is there room to grow as far as can you add a couple more slots?

Mr. Andrew stated no, that's counting spaces that legally aren't theirs, that are on the next property.

Mr. Funk asked what is on that notch out now?

Mr. Andrew asked John do you have a photograph of that? This is what it looks like. The notch is back behind this fence over here. The pavement for that is on the adjoining property although you get to it from this side.

Mr. Mikesell asked there is no agreement that we know of at this point?

Mr. Andrew stated there is an agreement that was submitted to us that we think is going to need some modification to make work. There could be a lease of the space. There could be some agreement that allows that space to be used. But the fact is that it is on the adjacent property.

Mr. Herrs stated one issue that we probably need to think about that even if there is a lease with this particular tenant what happens when this particular tenant sells. The zoning classification always runs with the land but the lease may not. That's another issue that needs to be thought about.

Mr. Householter asked was there an agreement originally when this was built or was there a notorious use before this agreement was in place?

Mr. Andrew stated I think it may have been a handshake agreement. I don't know if there was anything formalized.

Mr. Householter stated okay.

Mrs. Yarnevich asked is there no way to make an exception to C-1 that would allow a beauty shop there?

Mr. Andrew stated you would have to go up to the first district that allows it. You can always be more restrictive but you can't allow a

use into a more restrictive district. An application could be filed to amend the Zoning Ordinance to add beauty shops as a permitted use in C-1. That would be an option. But the best mechanism is to take the next highest district and then do a limited C-2. That's the way we approached it.

Mrs. Yarnevich asked would that still be considered spot zoning?

Mr. Andrew stated it would to a degree. When you limit it to one other use and all other C-1 uses it's not really pure spot zoning. The other reason this is not pure spot zoning is because you have so much other commercial development like McDonald's across the street. It's an isolated spot from the standpoint that it's C-2 but you have commercial uses including other beauty salons in the vicinity. It's more that there is just not much C-2 zoning in the area.

Mr. Herrs stated also remember that beauty shops are allowed in the C-1 district as long as they have internal access with no signage on the outside. If it's part of a larger clinic then they are allowed. But in this case they wouldn't be. It's not like it's completely just a huge change of use that is not allowed in C-1 districts.

Mrs. Yarnevich asked you could eliminate all uses in Planned C-2 except for the beauty salon?

Mr. Householter asked we could go Planned C-2, allow them four spaces and if they agree to that that would meet your requirements?

Mr. Andrew stated we believe that it would if that would work for their plan. After looking at it from every angle it looks like using the notch and everything that they could generate as many spaces that would support four chairs.

Mrs. Yarnevich asked that's using the notch?

Mr. Andrew stated that's using the notch. If the property to the east had a surplus of spaces then they could have an arrangement to use some of those. But they don't have a surplus.

Mrs. Yarnevich asked the parking to support four places would include the four or five operators that are going to be there? There is enough parking for the operators as well?

Mr. Andrew stated yes, but our number is probably conservative. Because if you have four chairs and four operators you could have

four people in the chairs and you could have four people waiting. Our numbers are probably conservative.

Mr. Ritter asked there is parking on Faith?

Mr. Andrew stated on one side of Faith it is legal to park. I believe it is the north side.

Mr. Herrs stated on-street parking.

Mr. Andrew stated on-street parking, yes.

Mrs. Yarnevich stated one could get out of the parking lot by going right on Faith Drive and then taking a left. I can't remember the name of the street that goes out on to Crawford. You can get out that way but you can't come in that way, right? Because that's a one way egress.

Mr. Andrew stated if you were coming on Crawford you could turn on Moundview. That's correct, but if it's a one way out you would have to basically come from Ohio Street.

Mrs. Yarnevich stated okay.

Mr. Andrew stated the only way that it would work is if that were one way circulation.

Mr. Herrs stated like Dean said it needs to be one way circulation because of the depth of the concrete along the east and south side of the building. It's roughly depending on where you are it's 27-30 ft. Since two-way traffic requires a minimum of 20-24 ft. for a driving aisle and then an additional 20 ft. for your angled, parallel or perpendicular parking. There is just not enough space. So we have to cut it down to a 12 ft. driving aisle which means we would have to do it one way. We can either do it into the site off of Faith and then out on to Ohio or we could come in on Ohio and out on Faith.

Mrs. Yarnevich stated that other way would provide more access if you had the in road on Faith and the out on Ohio it would be easier to get into the place.

Mr. Householter stated I would agree with that as well.

Mr. Andrew stated what we have suggested in our recommended conditions would be rather than trying to design it during the meeting is that we would have a final site development plan that we would

work with them on and that would have established the direction of circulation. If we needed to post signs at Ohio that said "exit only" we could do that.

Mrs. Yarnevich asked are there any more questions of staff? Would the applicant or their representative care to address the Commission on this application? Please state your name and address.

Jackie Bailey, 801 NW 7th Street, Abilene, Kansas, stated the parking agreement that was discussed, and I think it was submitted with the application, Dr. Jasperson who is in the property that is adjacent to 723 S. Ohio and the way that it is worded it provided for future use and if someone would have either property it would accommodate the agreement that was signed. That is a small area and that was a handshake agreement that established that joint property there. I believe that our architect Christie has something to say.

Christie Carl, P.O. Box 6, Abilene, Kansas, stated I was hired by the Bailey's after they purchased the property and I had been working with them on some minor modifications to the property. Actually I came to the City of Salina to check about building permits and found out that we needed to rezone. This building of course is 42 years old and the property has an appraised value of less than \$200,000. The size is barely a quarter of an acre and we are looking at approximately 1,600 sq. ft. The project is really a minor modification. It's just wall covering and flooring with a minimum electrical and plumbing. This is not a mega-site and this is not a multi-million dollar project. After working with the staff and I must compliment the DRT team that I met with initially, Amy Lange has done an excellent job communicating with us and she has been very timely. I think making the notes today, I just received this before I walked into the room, this is kind of new information and I'm trying to absorb it in a very fast pace. I would probably feel like there could be some restrictions if you went with limited C-2 zoning because there are other uses for that building under C-2. If the Baileys were to sell the property that would be limited to whom they could sell it to. I would imagine that someone will be standing before you again in the future to rezone it to let them in or let them out. I think we could continue that dialogue if there was a limited use for beauty shops plus other possible uses for that particular property. I guess that's all I have. One of the biggest concerns we have is when I met with the DRT team was that we were planning on occupying the space September 1st and I was not aware of the Kansas Statutes of the times and processes that must be taken into account for rezoning. So I plead to you because there are some economic hardships to my client and this is delaying the business expansion of the beauty shop that we have planned for

Toyia and all the other expansions with the other parties. I don't necessarily think I need a building permit but I do have some stand alone permitting with electrical, mechanical and plumbing but I can not proceed until it's rezoned. This whole process is delaying us almost four months and I would appreciate your consideration to look at zoning C-2 with a possible limited use. Thank you.

Mrs. Yarnevich asked are there any questions of the applicant?

Mr. Householter stated I'm always disappointed, I'm a realtor myself, when a fellow realtor makes a blanket statement and tells the client that this will work. For me that is frustrating and I can understand your frustration. Realtors are supposed to be the experts and they're supposed to know. I guess you could say that in the end it's your responsibility to check the property but you were taking advice from the realtor. I can understand how frustrating that can be and you have been delayed. My question to you would be if we do approve this modified or Planned C-2 is four chairs going to allow you to still be profitable and make the business what you wanted it and hoped it would be?

Mrs. Bailey stated yes.

Mr. Householter asked that would be acceptable to you?

Mrs. Bailey stated yes.

Mr. Schneider asked is the Planned C-2 acceptable to you?

Mrs. Bailey stated from my understanding, yes.

Mrs. Yarnevich asked are there any other questions of the applicant? Seeing none we will bring it back to the Commission for discussion and action.

MOTION: Mrs. Soderberg stated I support the staff's recommendation and I move we approve Application #Z07-16 by amending the application to Planned C-2 which would allow the Commission to delete potentially incompatible uses with the four stipulated items under staff recommendations.

SECOND: Mr. Householter.

Mrs. Yarnevich stated it has been moved and seconded that we approve Application #Z07-16 by amending the application to Planned

C-2 with the four staff recommendations. Are there any other questions or comments?

Mr. Funk asked does that mean it has to come back to the Commission in two or four weeks?

Mr. Andrew stated what we did by what we asked you to do here was, the customary thing would be that you would look at a planned district in relation to a specific plan for developing the site, what we're suggesting here is rather than that occurring at a future meeting that that occur by them working with staff to finalize that site plan. We're not talking about an empty lot here. We're talking about a case where everybody knows where the building is and really it's just a matter of pinning down the circulation, number of spaces and how they're arranged. The action today would be a recommendation that would go to the City Commission for consideration of an ordinance changing the zoning. We would work with them on details of a site plan.

Mrs. Yarnevich asked are there any other questions or comments? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 9-0.

ORDINANCE NUMBER 07-10416

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF ORDINANCE NUMBER 8526, THE SAME BEING CHAPTER 42 OF THE SALINA CODE, AND THE ZONING DISTRICT MAP THEREIN AND THEREBY ADOPTED AND PROVIDING FOR THE REZONING OF CERTAIN PROPERTY WITHIN THE CITY AND PRESCRIBING THE PROPER USES THEREOF.

WHEREAS, all conditions precedent for the amendment of the Zoning District Map, the rezoning of certain property therein, hereinafter described have been timely complied with, **SO NOW, THEREFORE**,

BE IT ORDAINED by the Governing Body of the City of Salina, Kansas:

Section 1. AMENDMENT. DISTRICT “PC-2”. PLANNED NEIGHBORHOOD SHOPPING DISTRICT. That the Zoning District Map of the City of Salina, Kansas, duly adopted and published as a part of Ordinance Number 8526, the same being Chapter 42 of the Salina Code, be and it is hereby amended so that the following described property be rezoned as follows, to-wit:

Lot One (1), Block Five (5) in the Replat of Faith Addition to the City of Salina, Saline County, Kansas.

shall become a part of **DISTRICT “PC-2” PLANNED NEIGHBORHOOD SHOPPING.**

Section 2. CONDITIONS OF APPROVAL. The use of said described property shall be subject to all the conditions, restrictions and limitations as made and provided for in Ordinance Number 8526, the same being Chapter 42 of the Salina Code with reference to the NEIGHBORHOOD SHOPPING DISTRICT. Development of the property shall be subject to the preliminary plan on file with City Planning Commission and/or City Clerk and the following conditions:

1. Permitted uses on the property shall be limited to beauty shops plus other uses permitted in the C-1 district.
2. Development on the property, including signage, shall be subject to C-1 bulk regulations and use limitations.
3. A final site development plan shall be reviewed and approved by staff prior to issuance of a building permit.
4. The number of styling chairs allowed in the beauty shop shall be limited based on the number of legal parking spaces available on the site.

Section 3. That all prior ordinances in conflict herewith as they relate to the above described real estate are hereby repealed.

Section 4. That this ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper.

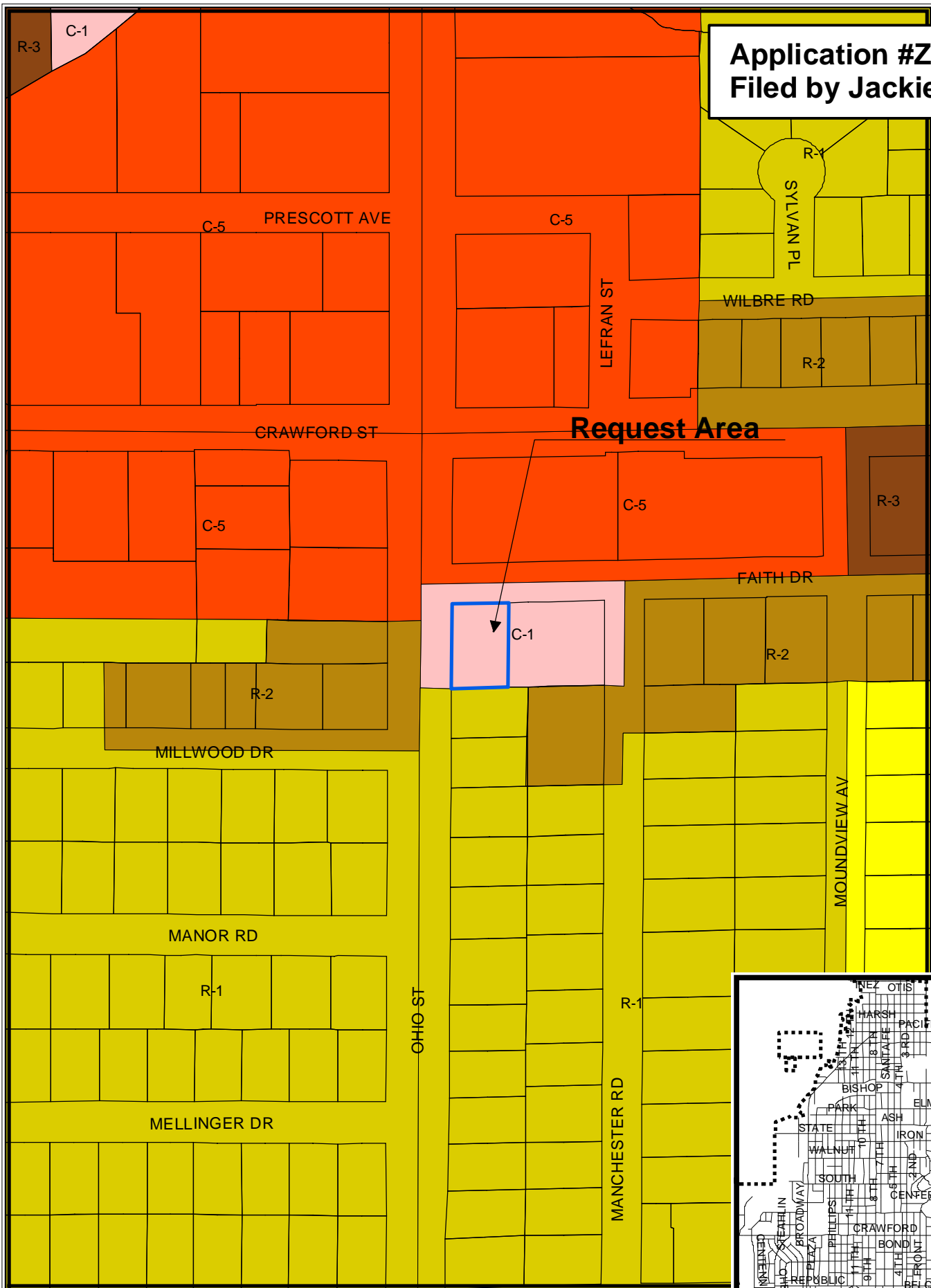
Introduced: September 24, 2007
Passed: October 1, 2007

Alan E. Jilka, Mayor

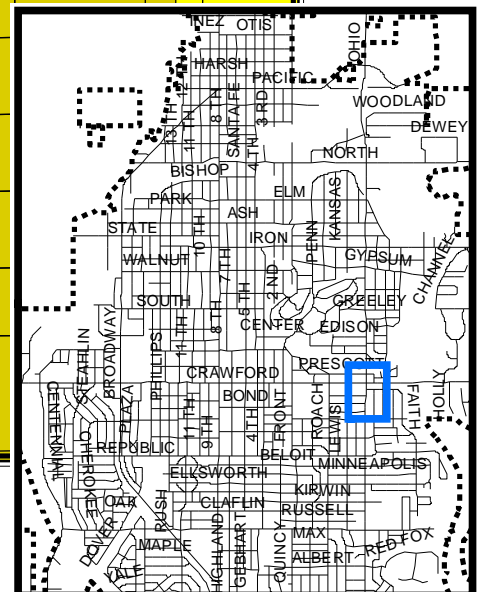
[SEAL]
ATTEST:

Lieu Ann Elsey, CMC, City Clerk

Application #Z07-16
Filed by Jackie Bailey



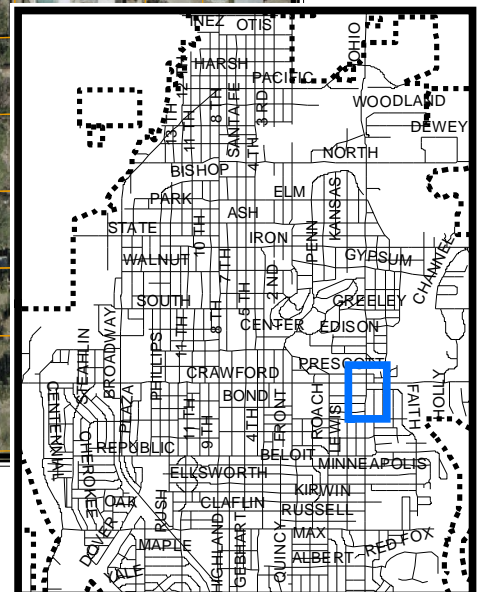
1 Inch = 200 Feet



**Application #Z07-16
Filed by Jackie Bailey**



Request Area



1 Inch = 200 Feet

CITY OF SALINA
REQUEST FOR CITY COMMISSION ACTION

DATE
09/24/2007

TIME
4:00 P.M.

AGENDA SECTION NO: 7	ORIGINATING DEPARTMENT: DEVELOPMENT SERVICES CITY PLANNING BY: Dean Andrew	APPROVED FOR AGENDA:
ITEM NO. 2 Page 1		BY:

ITEM: Ordinance No. 07-10417

Application #Z07-13, filed by C.R. Development, Inc., requesting a change in zoning district classification from RS (Residential Suburban) to R-1 (Single-Family Residential) on a 9.82 acre tract of land located on the south side of East Cloud Street east of Parkwood Drive.

BACKGROUND:

The plat of the Village of Loretto was approved in 1886. The existing dwellings at 1430 and 1508 East Cloud predate the city's permit records. Development in the Parkwood Village area occurred in the 1970's and 1980's. The portion of the Village of Loretto that is the subject of this application was annexed into the city in 1979 and has remained undeveloped since that time.

Nature of Request

The applicant has requested rezoning of vacant, RS (Residential Suburban) zoned land to R-1 (Single-Family Residential) for the purpose of developing a subdivision for single-family homes. The zoning request area is bounded by single-family dwellings on the west, Cloud Street and single-family homes on the north, a nonconforming contractor's office on the east and the Old Smoky Hill River channel on the south. The site covers approximately 9.8 acres and includes the rear half of two 675 ft. deep residential lots that are already occupied by dwellings (1430 and 1508 East Cloud). This property is under contract by the applicant. The proposed residential development would be centered around a public street that would extend south of Cloud Street. A total of 27 new residential building lots are proposed, all for single-family home construction.

Zoning Ordinance Requirements

If this rezoning request is approved, development of property within this proposed residential subdivision would be subject to the following standards and limitations:

1. Uses allowed - All permitted uses in the R-1 district plus any conditional uses approved by the Planning Commission.
2. Setbacks - Front yard - 25 ft.
Side yard - 7.5 ft.
Rear yard - 25 ft.
3. Minimum lot width - 60 ft.
4. Minimum lot depth - 100 ft.
5. Minimum lot area - 6,000 sq. ft.
6. Maximum lot coverage - 35%

CITY OF SALINA

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Suitability of Site for Development

This factor deals with the suitability of the property for development under the existing RS zoning and the extent to which the current zoning inhibits development and use of the property.

The subject site is a flat piece of ground that is currently used for agricultural purposes. The natural surface water drainage pattern in this area is predominantly toward the south and southeast to a cutoff river oxbow that separates this property from Holmquist Estates to the south. This property does not drain well and stormwater tends to accumulate on-site in low spots. Also, a portion of this property is shown to be in the mapped 100 year flood plain. This portion abuts the Holmquist Oxbow along the southeast corner of the property. Development of lots in or adjacent to this area would be subject to the City's flood plain regulations unless they are elevated by fill.

A large portion of this property is within the area of influence of the City's flood control levee and would be subject to the Corps of Engineers' restriction on excavation (i.e. construction of basements) within 1,000 ft. of the levee. Basement designs within 500 ft. of the dike must be approved by the Corps directly, and those between 500 ft. and 1,000 ft. may be approved by the City Engineer. The applicants have three (3) development options in this area: 1) Construct homes without basements (slab on grade construction), 2) Construct homes with specially designed / reinforced basements or 3) Work with a professional engineer to attempt to persuade the Corps to modify the basement restriction line and/or design standard in this area.

This site is contiguous to existing residential development to the west, south and north. It is accessible from a collector street. There is an existing water line in Cloud Street and it appears that sewer service can be extended to serve this site. Together with the fact that most of the proposed subdivision is out of the 100 year flood plain, these characteristics make this site a suitable area for new housing development. The applicants believe that the current RS zoning classification inhibits the development potential of this property.

Staff would agree that the physical attributes of this property and the availability of public utilities make it suitable for infill residential development.

Character of the Neighborhood

This factor deals with whether the requested R-1 zoning would be compatible with the zoning and uses of nearby property.

This proposed subdivision is located directly east of the Parkwood Village Addition a mixed density residential development containing both multi-family and single-family housing. Across the old river oxbow to the south lies Holmquist Estates which contains estate size lots and homes. To the northwest of this site is the Austin Subdivision. To the northeast is a row of houses facing Cloud Street, including Ted Long's 5.3 acre tract. These houses sit on land that is unplatted and zoned A-1

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(Agricultural). Most of these homes are hooked to septic systems. To the east on the south side of Cloud Street is a nonconforming contractor's office and additional homesites.

Construction of single-family homes with full City utilities on this 9.8 acre site would be compatible with the zoning and uses of nearby subdivisions to the west. However, the fragmented, piecemeal development to the north and east is not consistent with good subdivision design or infrastructure planning and is not conducive to neighborhood building. That is one of the reasons why this property has been challenging to develop.

Public Utilities and Services

This factor deals with whether the proposed rezoning will create traffic congestion, overtax public utilities, cause drainage problems, overload public schools, jeopardize fire or police protection or otherwise detrimentally affect public services and whether the property owner or developer will provide the public improvements necessary to adequately serve the development.

1. Water Supply and Fire Protection – There is an existing 6" line in Cloud Street that can be tied into and extended to serve this area. Existing water volume and pressure in this dead end line is not adequate to meet the projected fire flow needs of single-family development (1,000 gpm) without some form of looped connection.
2. Sanitary Sewer – There is a 24" sanitary sewer trunk line running north-south located about 400 ft. west of this property. This trunk line has excess capacity as sewer flows it formerly received from south of Magnolia Road were diverted into the new Eastern Bypass Interceptor that runs to the east along Magnolia Road. It is a question of slope and distance but it appears to be physically feasible to connect this subdivision to that trunk line.
3. Storm Drainage - The City's stormwater management regulations require the developers to design a stormwater drainage system to detain the additional runoff caused by development of the site (the difference between existing and developed conditions) unless there is a nearby receiving channel that is capable of handling the runoff. The applicants' general drainage concept is to have the lots drain to the streets and the streets would be graded to drain to the old river oxbow that runs along the south side of the property with runoff being stored in the north leg of the oxbow before being released to flow through the dike.
4. Fire Protection – Fire response from Station #2, located about a 1 ½ mile away at Santa Fe and Minneapolis is under the 5 minute standard.
5. Police Protection – Provided by the Salina Police Department once streets are built and open to traffic.

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6. Schools – Students in this proposed development would attend the following schools: Stewart School – Grades 1-6 (1 mile away); South Middle School – Grades 7-8; Salina South High School – Grades 9-12. U.S.D. #305 has not indicated to City staff that this development will create any crowding problems at the above mentioned schools although Stewart School is currently at or near capacity.

7. Streets & Traffic – Cloud Street is not built to City street standards but is paved and is in reasonably good condition. Staff believes the 27 building lots proposed in this subdivision can be safely and efficiently served by the access point proposed on the applicant's plat.

Conformance with Comprehensive Plan

This factor deals with whether the proposed rezoning would be contrary to the goals, objectives and policies of the plan and whether the proposed rezoning would require an amendment to the plan whether an amendment could be reasonably justified.

1. Land Use Map - The City's Land Use Plan shows this area as being appropriate for low-density residential development and in a Primary Service Area for city utilities and services. The residential density of this development (27 units on 9.82 acres) computes to 2.75 units per acre which is substantially less than the low density residential classification of 4.0 units per acre.
2. Land Use Plan - A summary of the city's residential development policies is attached.
3. Transportation Plan – The city's Transportation Plan makes no specific recommendations regarding Cloud Street east of Ohio. Previous recommendations for a Cloud Street bridge over the Smoky Hill River were deleted from the 1992 plan.

Planning Commission Recommendation

The Planning Commission conducted a public hearing on this application on September 4, 2007. Following presentation of the staff report, comments from the applicant's representative and a neighboring property owner and comments and questions from, Commissioner's, the Planning Commission voted 8-0 to recommend approval of the applicants rezoning request subject to satisfactory platting of the property.

The Planning Commission offered the following reasons in support of its recommendation:

1. The location and physical attributes of this property and the availability of public utilities make it suitable for infill residential development;
2. The subject site is a logical extension of the existing residential development pattern east of Ohio Street and the requested R-1 zoning would be compatible with the zoning

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and land use of nearby properties;

3. Need public utilities exist or can be readily extended to serve the entire 9.82 acres;
and
4. The requested zoning change would be consistent with the city's Comprehensive Plan which calls for future residential development in this area.

COMMISSION ACTION:

If the City Commission concurs with the recommendation of the Planning Commission the attached ordinance should be approved on 1st reading. The protest period on this application expired on September 18, 2007 and no protest petition was received. If this request is approved, second reading would be held in abeyance until a final plat of the property is approved.

If the City Commission disagrees with the recommendation of the Planning Commission, it may return this item to the Planning Commission together with the reason for the disagreement with three (3) affirmative votes or it may overturn the recommendation of the Planning Commission and deny this request provided there are four (4) votes in support of such action.

Enclosures: Application
Vicinity Map
Preliminary plat layout
Excerpt of PC Minutes 09/04/07
Ordinance No. 07-10417

Cc: Craig Piercy
Roger Bhakta



Planning &
Community
Development

Publication Date	August 9, 2007	Application No.	Z07-13
Hearing Date	September 4, 2007	Date Filed	August 3, 2007
Vicinity Map Attached	KG	Filing Fee	\$270.00
Ownership Certificate	KG	Receipt No.	94682 8w.8/3/07

APPLICATION FOR AMENDMENT TO THE DISTRICT ZONING MAP

1. Applicant's Name C.R. Development, Inc. (Craig Piercy / Roger Bhakta)
2. Applicant's Address P.O. Box 3173, Salina, KS 67402-3173
3. Telephone (daytime) 785-577-1189 E-mail _____
4. Owner's Address Same as above
5. Legal Description of Property to be rezoned (attach additional sheet if necessary) See attached preliminary plat
6. Approximate Street Address 1300 Block E. Cloud Street
7. Area of Property (sq. ft. and/or acres) _____
8. Present Zoning R-S Use Vacant Land
9. Requested Zoning R-1 Use Single-Family Residential
10. Are there any covenants of record which prohibit the proposed development? YES ☐ (attach copy) NO ☒
11. List reasons for this request (attach additional sheets if necessary): Development of this into single-family residential lots
12. Provide additional information showing the effect the request will have on present and future traffic flow, schools, utilities, emergency services, surrounding properties, etc. (Attach additional sheets if necessary): _____
13. Explain how off-street parking will be provided for this requested use: Individual driveways
14. List exhibits or plans submitted: _____

Applicant(s) Signature Craig A. Piercy

Owner(s) Signature _____

Date: 8/3/07

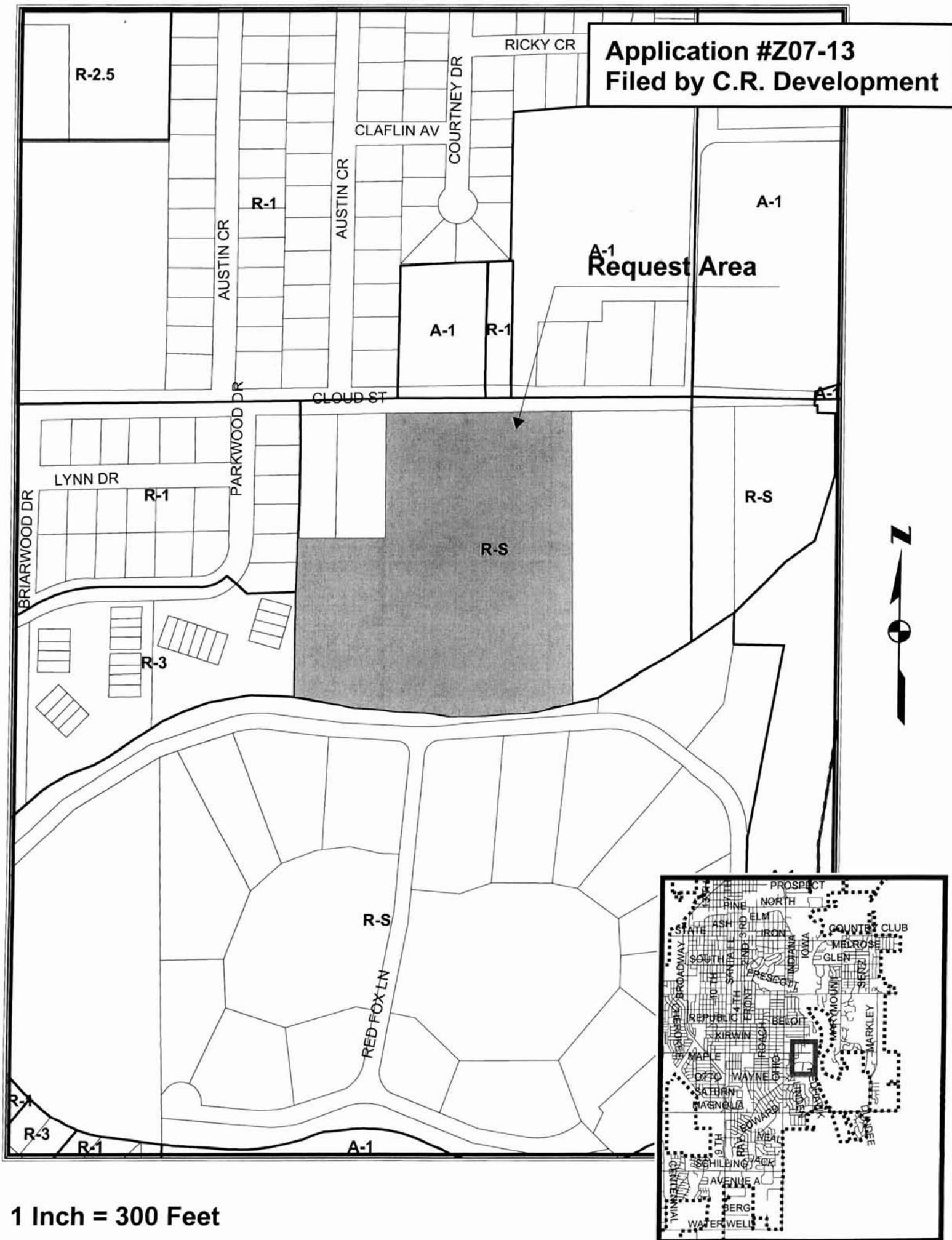
Date: _____

If the applicant is to be represented by legal counsel or an authorized agent, please complete the following in order that correspondence and communications pertaining to this application may be forwarded to the authorized individual.

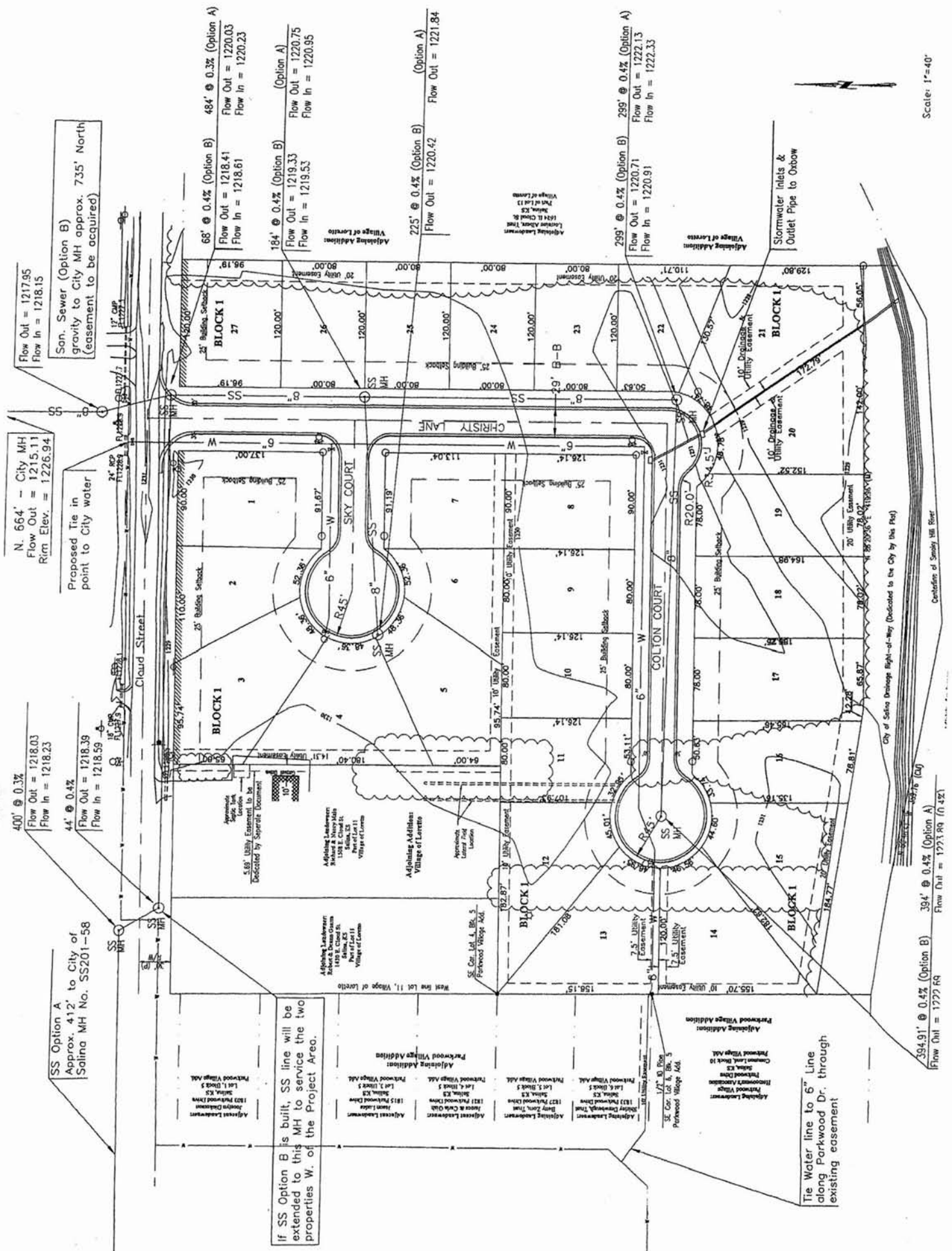
Name of representative: _____

Complete Mailing Address, including zip code _____

Telephone (Business): _____ E-mail address: _____



Scale: 1"=40'



Excerpt of Minutes from September 4, 2007 PC Meeting:

Item #3. Application #Z07-13, filed by C.R. Development, Inc., requesting a change in zoning district classification from RS (Residential Suburban) to R-1 (Single-Family Residential) on a 9.82 acre tract of land located on the south side of East Cloud Street east of Parkwood Drive.

Mr. Andrew presented the staff report with visual graphics which is contained in the case file.

Mrs. Yarnevich asked in Option B on the water line it says that the easement was not wide enough for the water line, what would they do about that?

Mr. Andrew stated if the space is entirely open we can get by with that. But what often occurs is that if a house is set back 7 ½ ft. from the side property line there is no way to get 10 ft. there to get a full 20 ft. If there is space on the other side that is a possibility but generally in residential areas there is 15 ft. between the two houses and if you need 20 ft. to get clearance for equipment and all for utilities then 15 ft. is just not going to work. We might need additional information. This is the spot right here where they were talking about coming through and it would depend on how closely these are together whether in fact you could get the 20 ft. there. But that's the location there where they were talking about looping. The other option is just to bring a line down and tie it right here into the line in Red Fox Lane.

Mrs. Yarnevich asked that was Option C?

Mr. Andrew stated that was Option C.

Mrs. Yarnevich asked are there any other questions of Dean or the staff? Would the applicant or representative care to address the Commission? Please state your name and address.

Greg Adams, Campbell & Johnson Engineers, 113 W. 7th Street, Concordia, Kansas, stated we're working with the applicants and speaking on their behalf. Again, we appreciate the time the staff has put into this and it has been a challenging piece and we think we have some options that we can work through and are pretty excited about getting it developed and getting some houses built on it. Like Dean said, we are working through some options. We're talking with the Homeowner's Association of Parkwood Village this month about the possibility of acquiring an easement for that water line loop. It will be developing but as the recommendations state it will all be cleared

up before the final plat. We will get all the engineering decisions made and make sure they fit within their right-of-ways and the easements. But we think it can work.

Mrs. Soderberg asked what will be the range of values of homes?

Mr. Adams stated I think some of that might have to be referred to the applicants. That may depend on the design for the basements, whether they go slab on grade or if they can put basements under it. That is still under investigation. Last I heard I thought that if they go slab on grade it will be around \$150,000 and maybe up from there. If they do basements it will be more than that.

Mrs. Soderberg asked is there a plan to have some kind of covenants or design requirements?

Mr. Adams stated they don't plan on having a homeowner's association but Mr. Piercy is a builder and they are going to be heavily involved in the design of the houses. I don't know if there will be full architectural control but they will have say on what types of houses get built in there.

Mrs. Soderberg asked do they plan to have a combination of spec homes, how are they going to develop this?

Mr. Adams stated I think that is the idea is to build a few of them themselves and sell lots as well. Thank you.

Mrs. Yarnevich asked is there anyone in the public who would like to address the Commission on this application?

Shirley Drawbaugh, 1833 Parkwood, stated I am rather interested in where you are going to run that 20 ft. easement for the water. Because the way you are talking it sounds like it is going to go right by my house. Let me show you. **(Mr. Andrew and Shirley walked up to screen to look at map)** Could you tell me about how big these lots are going to be for these 27 houses?

Mr. Adams asked width wise or square footage?

Mrs. Drawbaugh asked the lot size, 200 ft. x 50 ft.?

Mr. Adams stated probably in the neighborhood of 120 ft. x 80 ft.

Mrs. Drawbaugh stated I am very interested in this because I have been very pleased with where I have been living and everyone

seems to keep their property up. This piece here is going right behind my house and I'm just wondering how many houses will be put in that area?

Mr. Andrew stated as I read this, this would be your lot here and this is the plan for the lot directly behind it **(stepped away from microphone up to map)**. Looks like there would be two lots behind you. What their thought is I believe is that the easement width is pretty well fixed on your side of the line because of how close your house is to the property line. So if they are able to get the space it is going to come from the common area for the townhome portion and there is an easement on the side of your lot and it is not wide enough so they will have to get permission from the homeowner's association in the townhome area to the south to make that wide enough to be feasible. Unless you say so they won't be able to encroach any more on your property.

Mrs. Drawbaugh stated thank you.

Mrs. Yarnevich asked is there anyone else who would care to speak to the Commission on this matter. Seeing none I will bring it back to the Commission for discussion and action.

MOTION: Mr. Funk stated it seems like a good idea to fill in some of these vacant properties around the city before we go out and do fresh, virgin agricultural land. I move we approve Application #Z07-13 to change the zoning in this district from RS (Residential Suburban) to R-1 (Single-Family Residential).

SECOND: Mr. Householter.

Mrs. Yarnevich asked that would be subject to satisfactory platting?

Mr. Funk stated yes.

Mrs. Yarnevich stated it has been moved and seconded that we approve Application #Z07-13. Any further questions or comments? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 8-0.

ORDINANCE NUMBER 07-10417

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF ORDINANCE NUMBER 8526, THE SAME BEING CHAPTER 42 OF THE SALINA CODE, AND THE ZONING DISTRICT MAP THEREIN AND THEREBY ADOPTED AND PROVIDING FOR THE REZONING OF CERTAIN PROPERTY WITHIN THE CITY AND PRESCRIBING THE PROPER USES THEREOF.

WHEREAS, all conditions precedent for the amendment of the Zoning District Map, the rezoning of certain property therein, hereinafter described has been timely complied with, **SO NOW, THEREFORE**,

BE IT ORDAINED by the Governing Body of the City of Salina, Kansas:

Section 1. AMENDMENT. DISTRICT "R-1", SINGLE FAMILY RESIDENTIAL DISTRICT. That the Zoning District Map of the City of Salina, Kansas, duly adopted and published as a part of Ordinance Number 8526, the same being Chapter 42 of the Salina Code, be and it is hereby amended so that the following described property be rezoned as follows, to-wit:

A parcel of land located in Lots 11, 12 and 13, Village of Loretto, City of Salina, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Lot 11, thence on an assumed bearing of N 89°16'20" E along the North line of said Lot 11 a distance of 217.13 feet to the POINT OF BEGINNING of the parcel to be described;

- thence continuing N 89°16'20" E along the North line of said Lots 11, 12 and 13 a distance of 475.74 feet to the Northwest corner of a parcel recorded in Book 1105, Page 276 at the Saline County Register of Deeds Office;
 - thence S 00°16'16" E along the West line of said recorded parcel a distance of 691.70 feet to a point on the South line of said Lot 13;
 - thence S 62°31'25" W along said South line a distance of 56.22 feet to the Southeast corner of said Lot 12;
 - thence S 85°18'07" W along the South line of said Lot 12 a distance of 288.85 feet to the Southeast corner of said Lot 11;
 - thence N 80°48'41" W along the South line of said Lot 11 a distance of 359.76 feet to the Southwest corner of said Lot 11;
 - thence N 00°16'16" W along the West line of said Lot 11 a distance of 365.00 feet;
 - thence N 89°16'20" E a distance of 217.13 feet;
 - thence N 00°16'16" W a distance of 310.00 feet to the POINT OF BEGINNING;
- Said parcel contains 9.82 acres, more or less.

shall become a part of **DISTRICT "R-1", SINGLE FAMILY RESIDENTIAL DISTRICT .**

Section 2. CONDITIONS OF APPROVAL. The use of said described property shall be subject to all the conditions, restrictions and limitations as made and provided for in Ordinance Number 8526, the same being Chapter 42 of the Salina Code with reference to the **"R-1", SINGLE FAMILY RESIDENTIAL DISTRICT.**

Section 3. That all prior ordinances in conflict herewith as they relate to the above described real estate are hereby repealed.

Section 4. That this ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper.

Introduced:	September 24, 2007
Passed:	Upon Final Platting

Alan E. Jilka, Mayor

(SEAL)
ATTEST:

Lieu Ann Elsey, CMC, City Clerk

CITY OF SALINA

REQUEST FOR CITY COMMISSION ACTION

DATE
9/24/2007

TIME
4:00 P.M.

AGENDA SECTION NO: 8	ORIGINATING DEPARTMENT: CITY MANAGER'S OFFICE	APPROVED FOR AGENDA:
ITEM NO. 1 Page 1	BY: Jason A. Gage, City Manager	BY:

ITEM: Resolution No. 07-6436

Consider revocation of a permit issued to the North Salina Business Association for the placement of an identification sign and direct staff to remove improvements to accommodate construction of the North Broadway Improvement Project.

BACKGROUND:

On February 6, 1995, the City Commission approved the request of the North Salina Business Association to permit the use of public right-of-way for the placement of an identification sign. The public right-of-way involved was the triangular area bounded by Broadway Boulevard, Grand Avenue, and Thirteenth Street (the "ROW"). Attached is a copy of the permit issued for use of the ROW for the placement of the proposed sign. The sign was installed along with an irrigation system and a stamped-concrete sidewalk.

Completion of the North Broadway Improvement Project requires use of the ROW and removal of the sign and related improvements. The permit provides: "That this permit shall be subject to revocation by the Board of Commissioners in the event that the property is required for public purposes . . ." In such event, the permit also provides that the improvements made under the permit are to be removed.

The proposed resolution:

- (a) Makes the finding that the ROW is required for the public purpose of the North Broadway Improvement Project;
- (b) Revokes the February 6, 1995 permit issued to the North Salina Business Association;
- (c) Directs that notice be given by the City Engineer to the North Salina Business Association that any private improvements they wish to remove from the ROW must be removed at private expense within a prescribed time to accommodate the road construction project; and
- (d) Directs that any of the private improvements remaining in the ROW after a specified date shall be deemed abandoned and shall be caused to be removed from the ROW by the City.

While the City is under no obligation relocated the improvements, the City Commission may request that Staff work with the North Salina Business Association for this purpose. If that is the desire of the City Commission and a suitable new location is found within City right-of-way, Staff will prepare a standard license agreement for City Commission approval. If the City Commission does not wish for the improvements to be relocated within City right-of-way, please direct Staff accordingly. Staff does recommend that all private property site alternatives be reviewed and eliminated as suitable before placement in City right-of-way.

CONFORMANCE WITH STRATEGIC PLAN

N/A.

CITY OF SALINA

REQUEST FOR CITY COMMISSION ACTION

DATE

9/24/2007

TIME

4:00 P.M.

AGENDA SECTION NO: 8	ORIGINATING DEPARTMENT: CITY MANAGER'S OFFICE	APPROVED FOR AGENDA:
ITEM NO. 1 Page 2	BY: Jason A. Gage, City Manager	BY:

FISCAL NOTE:

The proposed item has no fiscal impact at this time.

ALTERNATIVES AND RECOMMENDED ACTION:

Alternative #1 Approve Resolution No. 07-6436, providing notice for removal of the improvements to accommodate North Broadway roadway construction and direct Staff to have the North Salina Business Association first review and consider suitable private property site alternatives in lieu of placement in City right-of-way.

Alternative #2: Approve Resolution No. 07-6436, providing notice for removal of the improvements to accommodate North Broadway roadway construction and direct Staff to identify another suitable location within City right-of-way.

Staff recommends Alternative #1.

Attachments: Resolution No. 07-6436
 North Broadway improvements photograph
 February 6, 1995 City Commission sign placement authorization

RESOLUTION NUMBER 07-6436

A RESOLUTION REVOKING A PERMIT FOR USE OF PUBLIC PROPERTY FOR AESTHETIC PURPOSES AND DIRECTING NOTICE OF REMOVAL OF THE IMPROVEMENTS MADE PURSUANT TO SUCH PERMIT.

WHEREAS, that on February 6, 1995 the City Commission approved the request of the North Salina Business Association to permit the use of public right-of-way for the placement of an identification sign;

WHEREAS, that the permit is subject to revocation by the Board of Commissioners in the event that the property is required for public purposes and that the improvements made under the permit are to be removed; and

WHEREAS, that the right-of-way is required for the public purpose of the North Broadway Improvement Project. **SO NOW THEREFORE**

BE IT RESOLVED by the Governing Body of the city of Salina, Kansas:

Section 1. That the Board of Commissioners hereby revokes the February 6, 1995 permit issued to the North Salina Business Association.

Section 2. That the City Engineer is hereby directed to give notice to the North Salina Business Association that any private improvements they wish to remove from the right-of-way must be removed at private expense no later than October 8, 2007.

Section 3. That any of the private improvements remaining in the right-of-way after October 8, 2007 shall be deemed abandoned and shall be caused to be removed from the right-of-way by the City of Salina.

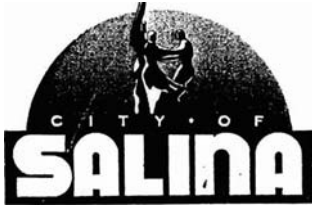
Section 4. That this resolution shall be in full force and effect from and after its adoption.

Adopted by the Board of Commissioners and signed by the Mayor this 24th day of September, 2007.

Alan E. Jilka, Mayor

(SEAL)
ATTEST:

Lieu Ann Elsey, CMC, City Clerk



DEPARTMENT OF ENGINEERING AND UTILITIES

DONALD E. HOFF, P.E., Director • SHAWN O'LEARY, P.E., Assistant Director

300 West Ash Street • P.O. Box 736 • Salina, Kansas 67402-0736

TELEPHONE (913) 826-7290 • FAX (913) 826-7244



February 8, 1995

Mr. Ben Frick
100 N. 5th St.
Salina, Kansas 67401

RE: Identification Sign

Dear Mr. Frick:

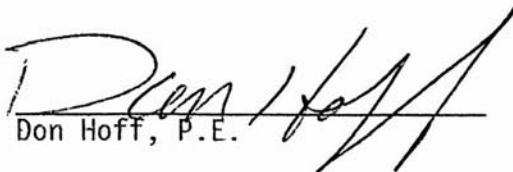
The Salina City Commission at their regular meeting on February 6, 1995, approved your request on behalf of the North Salina Business Association to permit the use of public right-of-way for the placement of an identification sign.

This approval was based on the installation of a sign approximately 8 ft. long and a maximum of 3 ft. in height to be placed in triangular public right-of-way area bounded by Broadway Blvd., Grand Ave., and 13th St. Enclosed is a copy of the actual permit which specifies other conditions.

Please have the sign installer contact the City Permits & Inspection Division prior to commencing work to obtain a sign permit. The Commission action only granted permission to utilize public right-of-way, and not for the sign itself.

If you have any questions concerning this matter, please contact me or Mike Peterson.

Sincerely,


Don Hoff, P.E.

Enc: R/W Permit
Sign Layout
Commission Action Sheet

cc: Mike Peterson, Building Official

CITY OF SALINA, KANSAS

PERMIT FOR

Use of public property for aesthetic
purposes by abutting property owners

GRANTED BY THE BOARD OF
COMMISSIONERS

ON

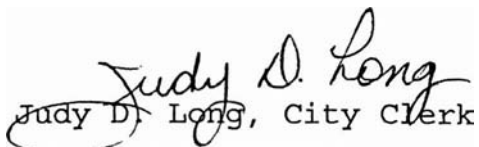
February 6, 1995

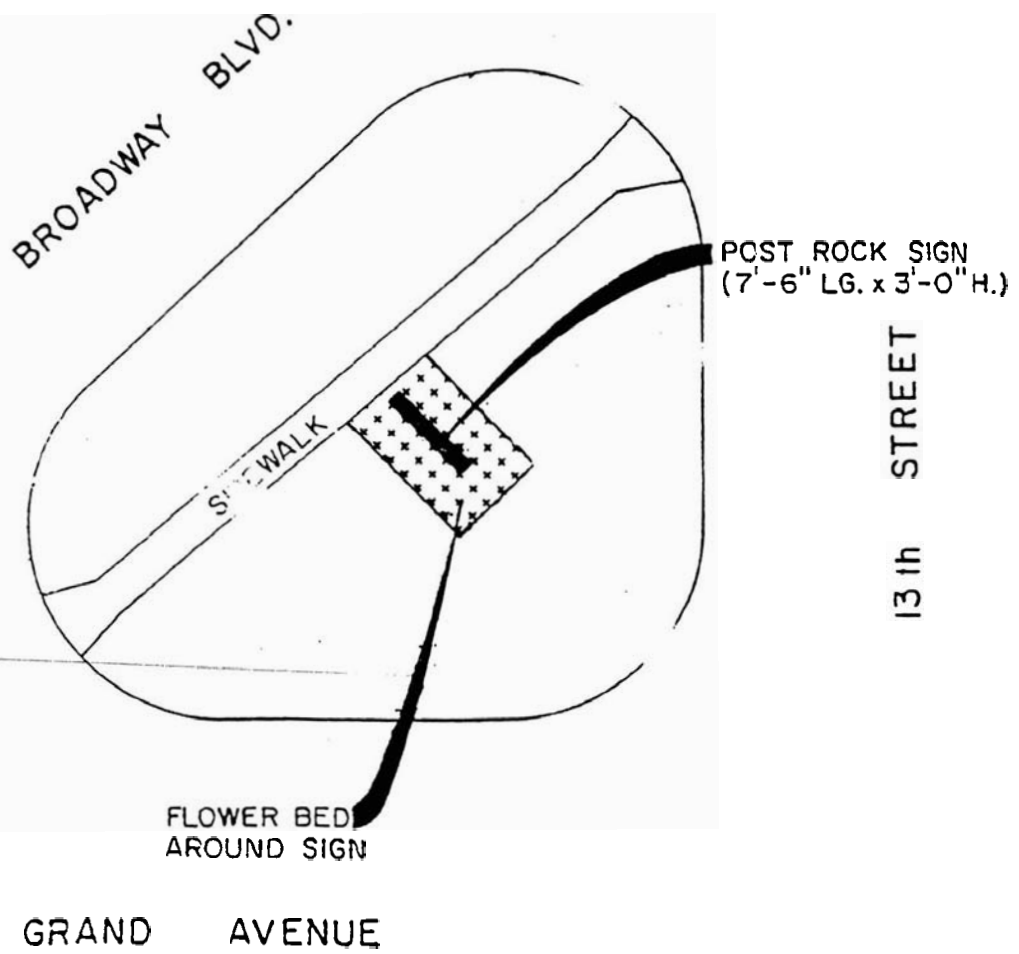
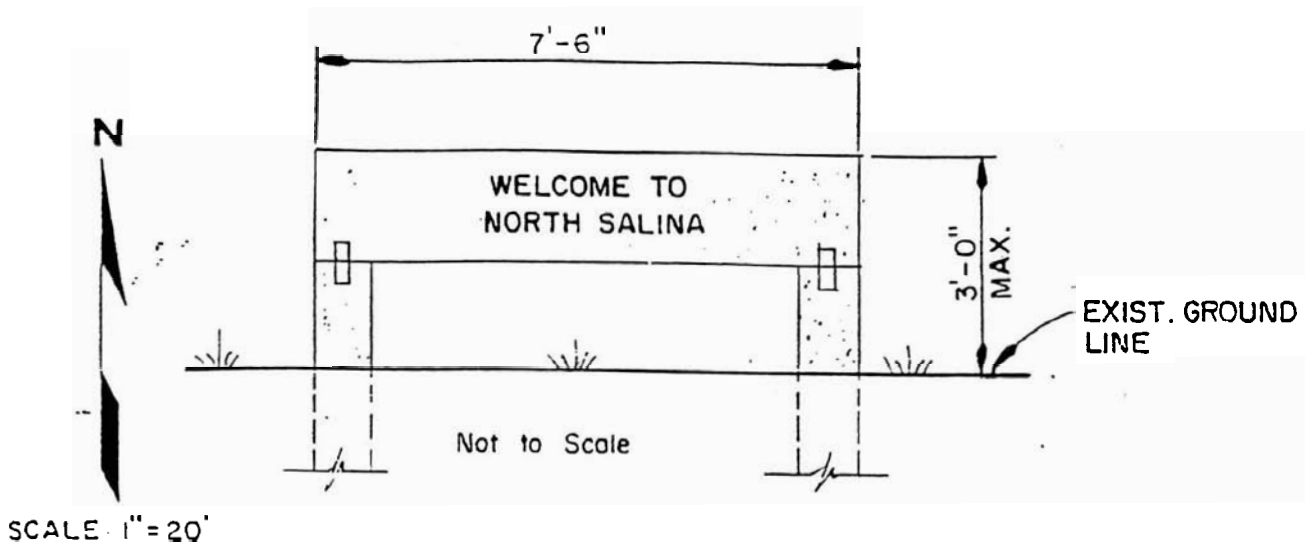
TO

NORTH SALINA BUSINESS ASSOCIATION

To place a sign at in the public
right-of-way in the triangular
area bounded by Broadway Blvd.,
Grand Ave., and 13th St.

That this permit shall be subject to
revocation by the Board of Commissioners
in the event that the property is required
for public purposes or if the abutting
property owners fail or neglect to use the
same for which the permit was granted or
fail or neglect to maintain the same in a
good state of repair or in that event,
then the abutting property owners shall be
~~required to remove~~ any improvements made
under the permit.


Judy D. Long, City Clerk



CITY OF SALINA

REQUEST FOR COMMISSION ACTION

DATE

02/06/95

TIME

4:00

AGENDA SECTION: NO. 6	ORIGINATING DEPARTMENT: Engineering & Utilities	APPROVED FOR AGENDA:
ITEM: NO. 8	BY: Don Hoff <i>TJA</i>	BY: <i>Donk</i>

Item

Request to place private sign in public right-of-way by the North Salina Business Association.

Background

The attached letter, submitted by the North Salina Business Association, requests the placement of a stone sign in the public right-of-way near the intersection of Broadway Blvd., Grand Ave. and 13th St. Currently, City ordinances do not allow the placement of private signs in the public right-of-way.

The sign will read "Welcome to North Salina". The sign would be post rock style, a maximum of three (3) feet in height, approximately eight (8) feet long and located on the south side of an existing sidewalk in this triangular area.

No apparent traffic hazard or obstruction would be created by the placement of this sign and it would not interfere with the use of sidewalks. However, approval of this installation will require an exception to the current ordinances. City ordinance Section 35-40 allows the use of public property for aesthetic purposes if the City Commission grants authorization for the proposed sign.

Recommendation

It is recommended that the City Commission approve the request and authorize the City Clerk to issue a permit to the North Salina Business Association for the placement of a sign in the public right-of-way as an aesthetic improvement.

COMMISSION ACTION

MOTION BY _____ SECOND BY _____

THAT: _____

NORTH SALINA BUSINESS ASSOCIATION

January 10, 1995

Mike Peterson
Permits and Inspection Department
City of Salina
300 W Ash
Salina KS 67401

Dear Mr. Peterson:

The North Salina Business Association would like to put up a "WELCOME TO NORTH SALINA" sign in the little triangle park on Broadway.

The enclosed drawing will show what we would like to do to do. Any help on getting a long awaited sign up and in compliance with city codes would be very much appreciated.

We will eagerly await your suggestions and comments on how this can be accomplished.

The City of Salina will not be held accountable for any liability involved with work done.

Sincerely,

NORTH SALINA BUSINESS ASSOCIATION


Ben Frick
President

BF/b

**WELCOME TO
NORTH SALINA**

13/09/2007